

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name**: State full name (include any former names used).

Ryan Thomas Holte

2. **Position**: State the position for which you have been nominated.

United States Court of Federal Claims Judge

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Office: The University of Akron School of Law
 150 University Avenue
 Akron, Ohio 44325

Residence: Akron, Ohio

4. **Birthplace**: State year and place of birth.

1983, Napa, California

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

2005 – 2008, University of California Davis School of Law; J.D., 2008

2008, Georgia State University College of Law (visiting semester); no degree conferred

2007, University of California Berkeley School of Law (two visiting semesters); no degree conferred

2001 – 2005, California Maritime Academy; B.S. (*magna cum laude*), 2005

2003, Diablo Valley College; no degree conferred

1999 – 2000, Rio Salado Community College; no degree conferred

6. **Employment Record**: List in reverse chronological order all governmental agencies,

business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2017 – present

The University of Akron School of Law
150 University Avenue
Akron, Ohio 44325
Associate Professor of Law
David L. Brennan Chair
Director of the Center for Intellectual Property Law & Technology

2012 – present

Counter Echo Solutions
1036 Los Angeles Ave NE
Atlanta, Georgia 30306
Co-Inventor & Partner
General Counsel

2013 – 2017

Southern Illinois University School of Law
1150 Douglas Drive
Carbondale, Illinois 62901
Assistant Professor of Law
Director of Judicial Clerkships and Special Placements

2012 – 2013

United States Federal Trade Commission
225 Peachtree Street NE
Atlanta, Georgia 30303
Attorney

2010 – 2013

Georgia Athletic & Entertainment Commission
2 Martin Luther King Jr. Drive
Suite 802, West Tower
Atlanta, Georgia 30334
Event-day Inspector

2010 – 2012

Jones Day
1420 Peachtree Street
Atlanta, Georgia 30309
Associate

2009 – 2010

Honorable Stanley F. Birch
United States Court of Appeals for the Eleventh Circuit
56 Forsyth Street NW
Atlanta, Georgia 30303
Law Clerk

2008 – 2009

Honorable Loren A. Smith
United States Court of Federal Claims
717 Madison Place, NW
Washington, DC 20005
Law Clerk

2008

Jones Day
1420 Peachtree Street
Atlanta, Georgia 30309
Intellectual Property Legal Intern

2007

Finnegan, Henderson, Farabow, Garrett & Dunner LLP
3500 SunTrust Plaza
303 Peachtree Street NE
Atlanta, Georgia 30308
Summer Student Associate
Legal Intern

2006

United States Air Force Court of Criminal Appeals
Bolling Air Force Base
Washington, DC 20032
Summer Law Clerk

2005 – 2008

Diesel Depot
2643 Appian Way
Pinole, California 94564
Co-owner

2002 – 2005

Agilent Technologies
1400 Fountaingrove Parkway
Santa Rosa, California 95403
Project Engineer

Summer Intern

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I have not served in the military. I timely registered for the selective service.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Research Grant, Spangenberg Center for Law, Technology & the Arts, Case Western Reserve University School of Law (2016–2017)

Paper Competition Winner, Federalist Society Young Legal Scholars, Association of American Law Schools Annual Meeting (2017)

Leonardo da Vinci Research Grant, Antonin Scalia Law School, George Mason University (2015)

Thomas Edison Innovation Fellowship, Antonin Scalia Law School, George Mason University (2013 – 2014 & 2014 – 2016)

Scholarship Recipient, University of California Davis School of Law (2005 – 2008)

Degree from California Maritime Academy Conferred *Magna Cum Laude* (2005)

First Class Graduate California Maritime Academy Corp of Cadets (Third Engineering Division) (2005)

Tau Alpha Pi National Engineering Honor Society (2005)

Scholarship Recipient, California Maritime Academy (2001 – 2005)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

State Bar of Georgia Intellectual Property Section (2008 – present)
Trademark Committee Chair (2012 – 2013)

American Intellectual Property Law Association (approximately 2005 – present)
SIU School of Law Faculty Liaison and Event Organizer

American Bar Association (approximately 2005 – present)

Association of American Law Schools (2013 – present)

Cleveland Intellectual Property Law Association (2017 – present)

Southern Illinois Inn of Court (2016 – 2017)

Atlanta Intellectual Property Inn of Court (2010 – 2013)
Executive Committee (2012 – 2013)

Republican National Lawyers Association (2010 – 2013)

Giles Rich Inn of Court, Washington DC (2008 – 2009)

10. Bar and Court Admission:

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Georgia (2008)

There have been no lapses in membership.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

U.S. Court of Appeals for the Sixth Circuit, 2011
U.S. Court of Appeals for the Eleventh Circuit, 2010
U.S. Court of Appeals for the Federal Circuit, 2009
U.S. District Court for the Northern District of Georgia, 2010
U.S. Court of Federal Claims, 2009
Georgia Supreme Court, 2011
Georgia Court of Appeals, 2011

There have been no lapses in membership.

11. Memberships:

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees,

conferenees, or publications.

Teneo Network (2009 – present)

The Federalist Society for Law and Public Policy Studies (2005 – present)

Executive Committee, Intellectual Property Practice Group (2014 – present)

California Board for Professional Engineers and Land Surveyors (2005 – present)

The National Eagle Scout Association (2000 – present)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

The National Eagle Scout Association formerly limited membership to men who have been granted the Eagle Scout Award by the Boy Scouts of America. To my knowledge, none of the other above-listed organizations currently discriminates or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership policies or the practical implementation of the same.

12. Published Writings and Public Statements:

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

Patent Submission Policies, 50 AKRON L. REV. 637 (2017). Copy supplied.

With Chris Seaman, *Patent Injunctions on Appeal: An Empirical Study of the Federal Circuit's Application of eBay*, 92 WASHINGTON L. REV. 145 (2017). Copy supplied.

Patent Submission Policies: Is it Time to Reconsider Commercialization Communications?, IPWATCHDOG.COM (Nov. 14, 2016). Copy supplied.

The Misinterpretation of eBay v. MercExchange and Why: An Analysis of the Case History, Precedent, and Parties, 18 CHAPMAN U. L. REV. 677 (2015). Copy supplied.

Letter to the Editor, *Four Paws Applause to Our State Government on Pet Vet Meds*, SOUTHERN ILLINOISAN, Aug. 21, 2015. Copy supplied.

Trolls or Great Inventors: Case Studies of Patent Assertion Entities, 59 ST. LOUIS U. L.J. 1 (2015). Copy supplied.

The Trespass Fallacy in the "Software Patent" Debate, 65 FLA. L. REV. FORUM 46 (2014). Copy supplied.

Chapter 7 – Restricting Fair Use to Save the News: A Proposed Change in Copyright Law to Bring More Profit to News Reporting, in FREE SPEECH AND COPYRIGHT LAW, 275 – 319 (Audhi Vavili ed., 2010). Copy supplied.

What is Really Fair: Internet Sales and the Georgia Long Arm Statute, 10 MINN. J.L. SCI. & TECH. 567 (2009). Copy supplied.

Restricting Fair Use to Save the News: A Proposed Change in Copyright Law to Bring More Profit to News Reporting, 13 J. TECH. L. & POL'Y 1 (2008). Copy supplied.

The Freedom to Imagine Fantasy Sports: Applying New Ideas in Copyright Law to Professional Athletes' Right of Publicity, 54 J. COPYRIGHT SOC'Y 771 (2007). Copy supplied.

Product Showcase – Power Programmers, 45 TURBO DIESEL REGISTER 152 (2004). I have conducted a search of my records and publicly available databases, and I have reached out to the publication, but have been unable to locate a copy of this article.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

None.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

Economist and Law Professor Letter to House and Senate Judiciary Committees Regarding American Patent System Studies, March 10, 2015. Copy supplied.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

October 12, 2017: Speaker, "Clarity in Remedies for Patent Cases," Work-in-Progress Presentation, Center for the Protection of Intellectual Property, Antonin Scalia Law School – George Mason University, Arlington, Virginia. Copy of slide deck supplied.

July 6, 2017: Speaker, "Patent Injunctions on Appeal: An Empirical Study of the Federal Circuit's Application of *eBay*," CLE Presentation, McAndrews, Held & Malloy, Ltd., Chicago, Illinois. Copy of slide deck supplied.

May 10, 2017: Speaker, Marion Lions Club, Marion, Ohio. I spoke about intellectual property law issues and my career path from engineering to law. I have no notes, transcripts, or recordings. The address for Lions Clubs International is 300 West 22nd Street, Oak Brook, Illinois 60523.

May 5, 2017: Speaker, Fellowship Research Presentation, Spangenberg Center for Law, Technology & the Arts, Cleveland, Ohio. Copy of slide deck supplied.

May 1, 2017: Speaker, "2016-17 United States Supreme Court Update," Rush Hudson Limbaugh Sr. U.S. Courthouse, Cape Girardeau, Missouri. Copy of slide deck supplied.

April 20, 2017: Speaker, "Patent Trolls and Why They Are Good," University of Georgia School of Law, Athens, Georgia. My presentation was substantially similar to my October 7, 2015 presentation, a copy of which is supplied.

March 30, 2017: Speaker, "Patent Trolls and Invention," University of Tennessee School of Law, Knoxville, Tennessee. My presentation was substantially similar to my October 7, 2015 presentation, a copy of which is supplied.

March 14, 2017: Speaker, "Small Inventors and Google," University of South Carolina School of Law, Columbia, South Carolina. My presentation was substantially similar to my October 7, 2015 presentation, a copy of which is supplied.

March 13, 2017: Speaker, "Patent Trolls and Innovation," Washburn University School of Law, Topeka, Kansas. My presentation was substantially similar to my October 7, 2015 presentation, a copy of which is supplied.

January 18, 2017: Moderator, "Samsung v. Apple: Design Patents at the Supreme Court," Federalist Society Intellectual Property Practice Group Teleforum (Online). Recording available at <http://www.fed-soc.org/multimedia/detail/courthouse-steps-samsung-v-apple-design-patents-at-the-supreme-court-podcast>.

January 5, 2017: Speaker, "Patent Injunctions on Appeal," Federalist Society Annual Faculty Conference, San Francisco, California. Recording available at <https://www.youtube.com/watch?v=N1526UNRZQg>.

October 27, 2016: "Patent Trolls and Innovation," Belmont University College of Law, Nashville, Tennessee. My presentation was substantially similar to my October 7, 2015 presentation, a copy of which is supplied.

October 20, 2016: "Patent Trolls: A Threat to Innovation?" Indiana University Maurer School of Law, Bloomington, Indiana. Recording available at <https://www.youtube.com/watch?v=p4muZtF7Ejg>.

September 8, 2016: Speaker, "Patent Trolls and Why They Are Good," Nashville Bar Association and Nashville Federalist Society for Law & Public Policy, Nashville, Tennessee. My presentation was substantially similar to my October 7, 2015 presentation, a copy of which is supplied.

August 2-4, 2016: Panelist, Third Annual Summer Institute in Patent Law, Center for the Protection of Intellectual Property at Antonin Scalia Law School – George Mason University, Snoqualmie, Washington. I served as a panelist to provide comments on academic research regarding intellectual property law issues. I have no notes, transcripts, or recording. The address of the Center for the Protection of Intellectual Property is 3301 Fairfax Drive, Arlington, Virginia 22201.

April 14, 2016: Speaker, "Patent Trolls and Innovation," Case Western Reserve University School of Law, Cleveland, Ohio. My presentation was substantially similar to my October 7, 2015 presentation, a copy of which is supplied.

April 8-9, 2016: Speaker, "Predicting Obviousness: An Empirical Study of District Court and Federal Circuit Obviousness Decisions Before and After KSR," PatCon 6: The Annual Patent Conference, Boston College Law School, Boston, Massachusetts. Copy of slide deck supplied.

March 16, 2016: Speaker, "Patent Trolls and Innovation," Chapman University Dale E. Fowler School of Law, Orange, California. My presentation was substantially similar to my October 7, 2015 presentation, a copy of which is supplied.

March 15, 2016: Panelist, "Patent Trolls," Whittier Law School, Costa Mesa, California. My presentation was substantially similar to my October 7, 2015 presentation, a copy of which is supplied.

March 14, 2016: Speaker, "Patent Trolls and Innovation," University of Pacific McGeorge School of Law, Sacramento, California. My presentation was substantially similar to my October 7, 2015 presentation, a copy of which is supplied.

March 14, 2016: Speaker, "Patent Trolls: Vital or Vulgar?" University of California Davis School of Law, Davis, California. My presentation was substantially similar to my October 7, 2015 presentation, a copy of which is supplied.

February 25, 2016: Speaker, "Patent Trolls or Great Inventors," St. Louis University School of Law, St. Louis, Missouri. My presentation was substantially similar to my October 7, 2015 presentation, a copy of which is supplied.

February 19-20, 2016: Presenter, 2016 Works-in-Progress Intellectual Property Workshop, University of Washington School of Law, Seattle, Washington. Copy of slide deck supplied.

January 29, 2016: Speaker, Work-in-Progress Presentation, Center for the Protection of Intellectual Property at Antonin Scalia Law School – George Mason University, Captiva Island, Florida. I presented academic research regarding patent submission policies, later published in the Akron Law Review. I have no notes, transcripts, or recordings. The address of the Center for the Protection of Intellectual Property is 3301 Fairfax Drive, Arlington, Virginia 22201.

November 6, 2015: Discussant, "The Disclosure Function of the Patent System," Vanderbilt Law Review Symposium, Vanderbilt University School of Law, Nashville, Tennessee. I served as a discussant to provide comments on academic research regarding intellectual property law issues. I have no notes, transcripts, or recordings. The address of the Vanderbilt Law School is 131 21st Avenue South, Nashville, Tennessee 37203.

October 29-30, 2015: Discussant, Patent Valuation Research Symposium, Center for the Protection of Intellectual Property at Antonin Scalia Law School – George Mason University, Scottsdale, Arizona. I served as a discussant to provide comments on academic research regarding intellectual property law issues. I have no notes, transcripts, or recordings. The address of the Center for the Protection of Intellectual Property is 3301 Fairfax Drive, Arlington, Virginia 22201.

October 8, 2015: Speaker, "Patent Trolls or Great Inventors," University of Iowa College of Law, Iowa City, Iowa. My presentation was substantially similar to my October 7, 2015 presentation, a copy of which is supplied.

October 7, 2015: Speaker, "Patent Trolls and Innovation," University of Missouri School of Law, Columbia, Missouri. Copy of slide deck supplied.

September 18, 2015: Presenter, Research Presentation, Center for the Protection of Intellectual Property at Antonin Scalia Law School – George Mason University, Arlington, Virginia. I presented a paper published in the Akron Law review regarding patent submissions policies. I have no notes, transcripts or recordings. The address of the Center for the Protection of Intellectual Property is 3301 Fairfax Drive, Arlington, Virginia 22201.

August 6, 2015: Presenter, 2015 Intellectual Property Scholars Conference, DePaul University School of Law, Chicago, Illinois. Recording available at <https://www.youtube.com/watch?v=qbo8AXQRIKQ>.

July 27, 2015: Presentation, New Scholars Program, Southeastern Association of Law Schools (SEALS) Summer Conference, Boca Raton, Florida. I spoke regarding a work-in-progress paper on patent submission policies. I have no notes, transcripts, or recordings. The Southeastern Association of Law Schools has no physical address.

July 22-24, 2015: Presenter, Summer Institute in Patent Law, Center for the Protection of Intellectual Property at Antonin Scalia Law School – George Mason University Beaver Creek, Colorado. I presented a paper published in the St. Louis University Law Journal regarding equitable remedies in patent litigation. I have no notes, transcripts, or recordings. The address of the Center for the Protection of Intellectual Property is 3301 Fairfax Drive, Arlington, Virginia 22201.

June 15, 2015: Presenter, Indian Institute of Management Calcutta, Kolkata, India. I presented my research regarding corporate idea submission policies with application to international companies. Copy of slide deck supplied.

May 2015: Presenter, Empirical Studies Institute for Law Professors, Law & Economics Center, Antonin Scalia Law School – George Mason University, Arlington, Virginia. With co-author Chris Seaman, I presented academic research regarding empirical data concerning equitable remedies in patent case appeals, later published in the Washington Law Review. I have no notes, transcripts, or recordings. The address of the Antonin Scalia Law School is 3301 Fairfax Drive, Arlington, Virginia 22201.

April 17, 2015: Speaker, "Recent Issues in IP Law," Southern Illinois University Intellectual Property Society and Taft Law, 2015 SIU Law Intellectual Property

Alumni Reunion & CLE, Chicago, Illinois. I spoke about academic research regarding equitable remedies in patent cases. I have no notes, transcripts, or recordings. The address of the SIU School of Law is 1150 Douglas Drive, Carbondale, Illinois 62901.

April 10-11, 2015: Speaker, PatCon 5: The Annual Patent Conference, University of Kansas School of Law, Lawrence, Kansas. I presented an article regarding equitable remedies in patent litigation. Copy of slide deck supplied.

April 7, 2015: Speaker, SIU School of Law Intellectual Property Society, Carbondale, Illinois. I spoke to law students and other university students regarding intellectual property protections for small business startups. I have no notes, transcripts, or recordings. The address of the SIU School of Law Intellectual Property Society is 1150 Douglas Drive, Carbondale, Illinois 62901

April 2015 (approximately): Speaker, "Patent Practices for Technology Startups," Dunn-Richmond Economic Development Center, Southern Illinois University, Carbondale, Illinois. I have no notes, transcripts, or recordings. The address of the Dunn Richmond Economic Development Center is 150 East Pleasant Hill Road, Carbondale, Illinois 62901.

March 26-27, 2015: Speaker, Center for the Protection of Intellectual Property, Center for the Protection of Intellectual Property at Antonin Scalia Law School – George Mason University, San Diego, California. I presented academic research regarding patent submission policies, later published in the Akron Law Review. I have no notes, transcripts, or recording. The address of the Center for the Protection of Intellectual Property is 3301 Fairfax Drive, Arlington, Virginia 22201.

March 13, 2015: Speaker, 12th Annual Intellectual Property Law Seminar, Howard University School of Law, Washington, D.C. Copy of slide deck supplied.

February 10, 2015: Speaker, Work-in-Progress Series, Southern Illinois University School of Law, Carbondale, Illinois. I spoke about an article regarding patent injunction law. Copy of slide deck supplied.

January 30, 2015: Speaker, "Trolls or Toll Takers: Do IP NPEs Add Value to Society?" 2015 Chapman Law Review Symposium, Chapman University Fowler School of Law, Orange, California. Copy of slide deck supplied.

December 5, 2014: Speaker, University of Kentucky Work-in-Progress Series, University of Kentucky School of Law, Lexington, Kentucky. I spoke about academic research regarding equitable remedies in patent cases later published in the Chapman Law Review. I have no notes, transcripts, or recordings. The

address of the University of Kentucky School of Law is 620 South Limestone, Lexington, Kentucky 40508.

November 6-8, 2014: Discussant, Thomas Edison Innovation Meeting, Center for the Protection of Intellectual Property at Antonin Scalia Law School – George Mason University, Scottsdale, Arizona. I served as a discussant to provide comments on academic research regarding intellectual property law issues. I have no notes, transcripts, or recording. The address of the Center for the Protection of Intellectual Property is 3301 Fairfax Drive, Arlington, Virginia 22201.

September 19-20, 2014: Speaker, Empirical Studies on Patent Law Conference, U.S. Patent & Trademark Office and the Chicago Kent School of Law, Chicago, Illinois. I presented a work-in-progress paper regarding empirical study of patent ownership issues within NPE litigation. I have no notes, transcripts, or recordings. The address of the U.S. Patent & Trademark Office is 600 Dulany Street, Alexandria, Virginia 22314.

July 23-25, 2014: Speaker, Summer Institute in Patent Law, Center for the Protection of Intellectual Property at Antonin Scalia Law School – George Mason University, Beaver Creek, Colorado. I presented research regarding patent assertion entities previously published in the St. Louis University Law Journal. I have no notes, transcripts, or recording. I presented a paper on patent assertion entities. The address of the Center for the Protection of Intellectual Property is 3301 Fairfax Drive, Arlington, Virginia 22201.

June 2014: Participant, 30th Economics Institute for Law Professors, Center for the Protection of Intellectual Property at Antonin Scalia Law School – George Mason University, Steamboat, Colorado. The Institute was a two week, invitation-only institute for approximately twenty legal academics to discuss microeconomics and law and economics. I have no notes, transcripts, or recordings. The address of the Center for the Protection of Intellectual Property is 3301 Fairfax Drive, Arlington, Virginia 22201.

June 12-13, 2014: Discussant, Patent Rights & Remedies Symposium, Center for the Protection of Intellectual Property at Antonin Scalia Law School – George Mason University, Arlington, Virginia. I served as a discussant to provide comments on academic research regarding intellectual property law issues. I have no notes, transcripts, or recordings. The address of the Center for the Protection of Intellectual Property is 3301 Fairfax Drive, Arlington, Virginia 22201.

May 8-9, 2014: Discussant, Patented Innovation in Software Technology Symposium, Center for the Protection of Intellectual Property at Antonin Scalia Law School – George Mason University, Cape Coral, Florida. I served as a discussant to provide comments on academic research regarding intellectual property law issues. I have no notes, transcripts, or recordings. The address of the

Center for the Protection of Intellectual Property is 3301 Fairfax Drive, Arlington, Virginia 22201.

April 2014 (approximately): Speaker, "Current Patent Reform Legislation Before Congress," Dunn-Richmond Economic Development Center, Southern Illinois University, Carbondale, Illinois. I spoke about patent reform legislation pending before Congress. I have no notes, transcripts, or recordings. The address of the Dunn Richmond Economic Development Center is 150 East Pleasant Hill Road, Carbondale, Illinois 62901.

April 4, 2014: Presenter, PatCon 4: The Annual Patent Conference, University of San Diego School of Law, San Diego, California. I presented research regarding patent assertion entities later published in the St. Louis University Law Journal. I have no notes, transcripts, or recordings. The address of the University of San Diego School of Law is 5998 Alcala Park, San Diego, CA 92110.

March 28, 2014: Presenter, Drake University IP Scholars Roundtable, Drake Intellectual Property Law Center, Drake University Law School, Des Moines, Iowa. I presented research regarding patent assertion entities later published in the St. Louis University Law Journal. I have no notes, transcripts, or recordings. The address of the Drake University Law School is 2621 Carpenter Avenue, Des Moines, Iowa 50311.

February 28, 2014: Speaker: Washington University Private Law Workshop, Junior Faculty Workshop Series, Washington University School of Law, St. Louis, Missouri. I presented research regarding patent assertion entities later published in the St. Louis University Law Journal. I have no notes, transcripts, or recordings. The address of the Washington University School of Law is 1 Brookings Drive, St. Louis, Missouri 63130.

February 6-7, 2014: Speaker, CPIP Work-in-Progress Presentation, Center for the Protection of Intellectual Property at Antonin Scalia Law School – George Mason University, Captiva, Florida. I presented an article regarding patent assertion entities. I have no notes, transcripts, or recordings. The address of the Center for the Protection of Intellectual Property is 3301 Fairfax Drive, Arlington, Virginia 22201.

October 24, 2013: Speaker, University of California Davis School of Law, Davis, California. I spoke with students regarding my judicial clerkship experience. I have no notes, transcripts, or recordings. The address of the University of California Davis School of Law is 400 Mrak Hall Drive, Davis, California 95616.

October 3, 2013: Speaker, CPIP Research Presentation, Center for the Protection of Intellectual Property at Antonin Scalia Law School – George Mason University, Captiva, Florida. I presented research regarding patent assertion entities later published in the St. Louis University Law Journal. I have no notes,

transcripts, or recordings. The address of the Center for the Protection of Intellectual Property is 3301 Fairfax Drive, Arlington, Virginia 22201.

July 24-26, 2013: Discussant, Thomas Edison Innovation Conference, Center for the Protection of Intellectual Property at Antonin Scalia Law School – George Mason University, Beaver Creek, Colorado. I served as a discussant to provide comments on academic research regarding intellectual property law issues. I have no notes, transcripts, or recordings. The address of the Center for the Protection of Intellectual Property is 3301 Fairfax Drive, Arlington, Virginia 22201.

March 7-8, 2013: Discussant, Patented Inventions and Promoting Innovations, Center for the Protection of Intellectual Property at Antonin Scalia Law School – George Mason University, Half Moon Bay, California. I served as a discussant to provide comments on academic research regarding intellectual property law issues. I have no notes, transcripts, or recordings. The address of the Center for the Protection of Intellectual Property is 3301 Fairfax Drive, Arlington, Virginia 22201.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

October 3, 2017, “Meet the New Director of Akron Law’s IP Center,” Akron Legal News. Article supplied.

August 23, 2017, “Center for Intellectual Property Law and Technology has New Director,” University of Akron Press Office. Press release supplied.

May 24, 2017, “Local Housing Market Good for Those Looking to Sell,” WSIL-TV. Article supplied.

On December 15, 2014, I gave an interview regarding proposed changes in patent law and current academic research projects to WGGH 1150 Monster Radio. I have been unable to locate a copy of the interview.

On February 10, 2014, I gave an interview regarding patent reform legislation and recent research regarding patent assertion entities to National Public Radio, WSIU Illinois Affiliate. I have been unable to locate a copy of the interview.

November 22, 2013, “Google Continues to Improve Futuristic Equipment,” The Daily Egyptian. Copy supplied.

January 6, 2007, “Student’s Death Stuns UCD: Friends Recall Lost Skydiver’s Passion, Bright Promise,” Sacramento Bee. Copy supplied.

August 14, 2006, "At Workday's End, Interns Turn on the Schmooze,"
Washington Post. Copy supplied.

In Spring 2005, I gave an interview regarding administrative changes to the Corps of Cadets to the California Maritime Academy *Binnacle*. I have been unable to locate a copy of the article.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

I have not held judicial office.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? _____

- i. Of these, approximately what percent were:

jury trials:	_____%
bench trials:	_____% [total 100%]
civil proceedings:	_____%
criminal proceedings:	_____% [total 100%]

- b. Provide citations for all opinions you have written, including concurrences and dissents.
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
- e. Provide a list of all cases in which certiorari was requested or granted.
- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
- g. Provide a description of the number and percentage of your decisions in which

you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
 - i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.
14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an “automatic” recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:
- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
 - b. a brief description of the asserted conflict of interest or other ground for recusal;
 - c. the procedure you followed in determining whether or not to recuse yourself;
 - d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

I have not served as a judge.

15. **Public Office, Political Activities and Affiliations:**

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have not held public office.

In 2016 I was nominated to the Georgia Court of Appeals by the Hon. Stanley F. Birch (Retired, United States Court of Appeals for the Eleventh Circuit). I was not appointed.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

Republican National Lawyers Association volunteer Election Day operations lawyer support: Election Day 2016; Election Day 2014; Election Day 2012 (Lawyers for Romney).

I have informally volunteered locally within my home cities on various political campaigns: Donald Trump for President (2016); James Randy Moore for Illinois Court of Appeals (2016); Bruce Rauner for Governor of Illinois (2014); Mitt Romney for President (2010); Nathan Deal for Governor of Georgia (2010); David Nahmias for the Georgia Supreme Court (2010); Arnold Schwarzenegger for Governor of California (2006). In all cases, I have not held an office in any campaign nor authored memoranda analyzing issues of law or public policy on behalf of any candidate.

16. **Legal Career:** Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:

- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

From 2008 to 2009, I served as a law clerk to the Hon. Loren A. Smith, Judge of the United States Court of Federal Claims.

From 2009 to 2010, I served as a law clerk to the Hon. Stanley F. Birch, Judge of the United States Court of Appeals for the Eleventh Circuit.

- ii. whether you practiced alone, and if so, the addresses and dates;

I have never practiced law alone.

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

2008; 2010 – 2012
Jones Day
1420 Peachtree Street
Atlanta, Georgia 30309
Associate (2010 – 2012)

Intellectual Property Legal Intern (2008)

2012 -- 2013

United States Federal Trade Commission
225 Peachtree Street NE
Atlanta, Georgia 30303
Attorney

2012 -- present

Counter Echo Solutions
1036 Los Angeles Ave NE
Atlanta, Georgia 30306
Co-Inventor & Partner
General Counsel

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have never served as a mediator or arbitrator.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

My practice at Jones Day consisted primarily of intellectual property and complex business litigation. The majority of the work consisted of legal research and writing regarding substantive issues and appeals work concerning intellectual property subject matter. In addition to litigation matters, a portion of my practice included various transactional projects involving small and large companies, patent and trademark prosecution, as well as general legal advice and contract negotiation/valuation.

My trial practice at the Federal Trade Commission focused primarily on consumer protection actions in the southeast region. I served as lead counsel and second chair on a variety of actions with duties including management of investigations and evidence gathering, drafting of pleadings, management of communication with court-appointed receivers and opposing counsel, and appearing on behalf of the Commission before federal courts.

As partner and general counsel of Counter Echo Solutions, I have served the company's business interests since 2012 including: business organization filings; external transactional contract management; patent prosecution; internal operating procedures and ownership management;

and legal strategy.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

During my work at Jones Day, my clients consisted of a wide variety of entities including construction equipment manufacturers, telecommunications companies, food products corporations and brands, airlines, chemical manufacturers, automotive parts manufacturers, industrial equipment suppliers, banks, packaging manufacturers, consumer products companies, artists, and authors. The majority of my practice consisted of intellectual property related subject matter. In the course of my pro bono work, I represented indigent criminal defendants and artists.

During my work at the Federal Trade Commission, my client was the United States working on behalf of U.S. consumers including individuals defrauded in schemes related to time share sale fraud, financial investment fraud, debt collection practices, privacy and data collection security, and do-not-call registry violations. I also worked with a number of other federal agencies including the Department of Justice, the Consumer Financial Protection Bureau, and investigators in the Federal Bureau of Investigation, and US Postal Service.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

Approximately 90% of my practice has been litigating matters in federal trial or appellate court, 10% before the U.S. Patent and Trademark Office. The remainder of my practice has concerned client consultation regarding a variety of legal issues including patent and trademark prosecution before the U.S. Patent and Trademark Office, licensing issues, contract and transactional document preparation, or confidential legal opinion work regarding intellectual property assets. As part of my litigation experience, I prepared motions and briefs and I appeared in court occasionally in support of them.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 80% |
| 2. state courts of record: | 0% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 20% |

- ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 90% |
| 2. criminal proceedings: | 10% |

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have not tried a case. Most of my work in the district court was resolved on the briefs rather than in trial. While at the Federal Trade Commission, I was chief counsel, and appeared before a district court, on one TRO hearing that was decided in the Commission's favor. While at Jones Day, I was chief counsel on one appellate matter that reached final appellate decision.

- i. What percentage of these trials were:

- | | |
|--------------|------|
| 1. jury: | ___% |
| 2. non-jury: | ___% |

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have never practiced before the Supreme Court of the United States.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- the date of representation;
- the name of the court and the name of the judge or judges before whom the case was litigated; and
- the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

(1) *FTC v. Resort Prop. Depot*, 8:2013-cv-01328 (M.D. Fla.).

Presiding Judge: Hon. Mary S. Scriven

In 2013, I served as lead trial counsel for the Federal Trade Commission, alleging that Resort Property Depot and its owner made unsolicited telemarketing calls to timeshare owners around the country and tricked them into paying fees. Consumers did not receive what they were promised and were denied refunds. I made the initial determination that the matter should be investigated, determined the legal theories and plans for

investigations, and carried out the investigation with assistance from FTC investigators, the United States Attorney's Office for the Southern District of Illinois, and U.S. Postal Service agents. In preparing the case for trial I interviewed witnesses, prepared evidence, and drafted all pleadings. After the matter passed Commission vote, I filed the complaint under seal in the U.S. District Court for the Middle District of Florida, with a request for an *ex parte* temporary restraining order and asset freeze. After representing the Commission for the successful TRO hearing, I organized and participated in "immediate access" with the court-appointed receiver and federal and state law enforcement to secure all business materials and assets. I left the FTC to accept my academic position at this point in the case; after post-TRO litigation proceedings, the district court ultimately entered a permanent injunction halting the defendants' deceptive practices and permanently prohibiting defendants from telemarketing, misrepresenting material facts about products, and collecting money from customers. The ultimate judgment against defendants was over \$2.6 million.

Co-Counsel

Harold E. Kirtz
Federal Trade Commission
225 Peachtree Street NE
Atlanta, Georgia 30303
(770) 789-9378

Court-Appointed Receiver

Mark J. Bernet
Akerman LLP
401 East Jackson Street, Suite 1700
Tampa, Florida 33602
(813) 223-7333

Counsel for Defendants

Robert D. Eckard
Robert Eckard & Associates, P.A.
3110 Alternate US 19 North
Palm Harbor, FL 34683
(727) 772-1941

(2) *FTC v. Resort Solution Trust*, 8:13-cv-01329 (M.D. Fla)

Presiding Judges: Hon. Virginia Hernandez Covington, Hon. Thomas B. McCoun III
(Magistrate)

In 2013, I served as second chair litigation counsel for the Federal Trade Commission, alleging that Resort Solution Trust and its owners deceived thousands of customers into paying advance timeshare fees. I assisted with coordination of the investigation with Florida attorney general and Pinellas County investigators, gathering evidence from dozens of witnesses and preparing all case materials for Commission vote and filings

with the United States District Court for the Middle District of Florida. After an *ex parte* TRO was issued, receiver appointed, and an asset freeze granted, I participated in “immediate access” of the defendant business with local law enforcement and gathering of business materials for evidence in preparation for trial. I left the FTC to accept my academic position at this point in the case; however, after post-TRO litigation proceedings, the district court ultimately entered a permanent injunction halting the defendants’ deceptive practices, selling or otherwise benefitting from customers’ personal information, and collecting money from customers. The final judgment against defendants was over \$6.4 million.

Lead-counsel

Harold E. Kirtz
Federal Trade Commission
225 Peachtree Street NE
Atlanta, Georgia 30303
(770) 789-9378

Court-Appointed Receiver

Burton W. Wiand
5505 West Gray Street
Tampa, FL 33609
(877) 822-1331

(3) *Nali v. Phillips*, 681 F.3d 837(6th Cir. 2012)

Presiding Judges: U.S. Court of Appeals for the Sixth Circuit Panel: Hon. Arthur L. Alarcón; Hon. Karen N. Moore; Hon. Julia S. Gibbons.

In 2011, I was appointed by the U.S. Court of Appeals for the Sixth Circuit as lead appellate counsel to represent petitioner after his petition for writ of habeas corpus was granted by the District Court for the Eastern District of Michigan and he was released from Michigan state prison. I drafted all appellate pleadings in the case and argued the case before the Sixth Circuit. After the initial opinion was decided adverse to petitioner, I filed a petition for *en banc* rehearing, on which the court of appeals subsequently ordered briefing. I further successfully represented petitioner in proceedings before the district court when the Michigan attorney general attempted to re-incarcerate him before *en banc* briefing was complete. Ultimately, the Sixth Circuit denied rehearing *en banc*, the Supreme Court denied a petition for writ of certiorari, and petitioner was returned to the custody of the Michigan Attorney General to complete the duration of his sentence.

Co-Counsel

Hon. J.P. Boulee
[then with Jones Day]
Georgia Superior Court
DeKalb County Courthouse, Room 7230
556 North McDonough Street

Decatur, Georgia 30030
(404) 371-2691

Jason Burnette
Jones Day
1420 Peachtree St NE #800
Atlanta, Georgia 30309
(404) 581-8724

Appellant's Counsel

Laura A. Cook
Joel D. McGormley
State of Michigan, Office of the Attorney General
G. Mennen Williams Building, 7th Floor
525 West Ottawa Street
Lansing, Michigan 48909
(517) 373-1110

(4) *ProMark Brands Inc. v. Mark Sterner* (US Patent & Trademark Office, Trademark Trial and Appeal Board), Docket / opposition number: 91199995

Presiding Board Member: George C. Polgeoris, Esq.

In May 2011, I served as co-counsel and attorney of record for a plaintiff large food products company opposing the defendant's trademark application to register SMART CHOICE to identify food goods. My work consisted of all aspects of the litigation including drafting all pleadings, formulating legal strategy, and communicating with opposing counsel. After filing and various motions, the parties entered a stipulation of dismissal with prejudice and the trademark application was abandoned. The Board's decision was entered in February 2012.

Co-lead Counsel

Timothy P. Fraelich
Jones Day
901 Lakeside Avenue
Cleveland, OH 44114
(216) 586-3939

Opposing Counsel

Bruce B. Brunda
Stetina Brunda Garred Brucker
75 Enterprise, Suite 250
Aliso Viejo, CA 92656
(949) 855-1246

(5) *Trinity Indus. Inc. v. Spig Indus.*, 1:11-cv-937 (E.D. Va.).

Presiding Judge: Hon. Claude Hilton

I assisted in the representation of Spig Industry and SELCO Construction Services as defendants and counterclaim plaintiffs in a suit primarily involving patent infringement of highway guardrail end terminal assemblies. I assisted with the case in 2012 during the discovery phase of litigation and preparation for a patent Markman hearing. My work consisted of motions practice including formulating legal argument, researching law, and drafting significant pleadings. The case settled at the Markman stage.

Co-Counsel

Hon. Walter D. Kelley Jr.
[then with Jones Day]
Hausfeld LLP
1700 K Street, NW, Suite 650
Washington, D.C. 20006
(202) 540-7200

Jennifer Swize
Tara Lynn R. Zurawski
Jones Day
51 Louisiana Avenue, N.W.
Washington, D.C. 20001
(202) 879-3939

Opposing Counsel

Matthew B. Kirsner
Eckert Seamans Cherin & Mellott, LLC
707 East Main Street, Suite 1450
Richmond, Virginia 23219
(804) 788-7740

(6) *Schutz Container Systems Inc. v. Mauser Corp. and National Container LLC*, (N.D. Ga.) 1-09-cv-03609

Presiding Judge: Richard W. Story

While an associate at Jones Day, I assisted in the representation of Schutz Container Systems in a patent and trademark infringement lawsuit regarding the sale of reconditioned intermediate bulk containers filed in the Northern District of Georgia. The case was filed in 2009 and terminated in 2014. I assisted with the case between 2010 and 2012 primarily during the discovery phase of litigation and motions for summary judgment. My work consisted of motions practice, including formulating legal opinions, researching law, and drafting significant pleadings.

Lead Counsel

William B.B. Smith
Jones Day
1420 Peachtree Street, N.E.
Suite 800
Atlanta, Georgia 30309
(404) 581-8440

Opposing Counsel
Megan M. New
Kirkland & Ellis LLP
300 North LaSalle
Chicago, IL 60654
(312) 862-2000

Wesley C. Achey
Alston & Bird
One Atlantic Center
1201 West Peachtree Street, Suite 4900
Atlanta, GA 30309
(404) 881-7000

(7) *Digital Technology Licensing LLC v. Sprint Nextel Corp.*, (D. N.J.), 07-cv-5432

Presiding Judge: Stanley R. Chesler

While an associate at Jones Day, I represented Sprint Nextel in defending a complex patent infringement action regarding digital cellular products. While Sprint was sued for infringement in the District of New Jersey (in 2007), Sprint filed 2011 third-party actions against suppliers seeking indemnification for products sold under supplier agreements. Third-party suppliers motioned to dismiss the complaints for various reasons including improper venue and binding arbitration agreements. I assisted with the case between 2010 and 2012 primarily regarding motions to dismiss, transfer, and binding arbitration enforcement. My work consisted of motions practice including formulating legal opinions, researching law, and drafting significant pleadings.

Lead Counsel
James Wamsley
Jones Day
Cleveland, OH
(retired)

Jeff Waters (Co-Counsel, formerly with Jones Day)
Cantor Colburn (current)
1180 Peachtree St, N.E., Suite 2050
Atlanta, GA 30309
(404) 607-9991

Opposing Counsel

Stephen F. Roth
Lerner, David, Litterberg, Krumholz, and Mentlik LLP
600 South Avenue
West Westfield, NJ 07090
(908) 654-5000

(8) *Koyono Co. v. VF Corporation*, No. 11-3940 (6th Cir.) 3:2011-cv-00047; (S.D. Ohio)

Presiding Judge: Thomas M. Rose

Summary: While an associate at Jones Day, I served as co-counsel to a large defendant apparel company sued in 2011 for trademark infringement by a personal accessory company based in Ohio. I worked on the case since our client was served, assisting with motions practice including formulating legal opinions, researching law, and assisting with drafting of significant pleadings in the district court and court of appeals. The client successfully defended against a preliminary injunction motion in the district court; the case ultimately settled while briefing was in progress in the Sixth Circuit.

Lead Counsel

Timothy P. Fraelieh
Jones Day
901 Lakeside Avenue
Cleveland, OH 44114
(216) 586-3939

Ashley Zito (co-counsel, formerly with Jones Day)
Georgia Pacific (current)
133 Peachtree St NW
Atlanta, GA 30303
(404) 652-4000

Opposing Counsel

Victor J. Wasylyna
Walters & Wasylyna
8193 Avery Road, Suite 101
Cleveland, Ohio 44147
(216) 939-5443

(9) *Frontier Communications v. Google Inc.*, (D. Del.) 1:10-cv-00545

Presiding Judge: Gregory M. Sleet

While and associate at Jones Day, in 2010, I assisted with representation of Frontier Communications in a lawsuit for patent infringement against defendant Google regarding

an electronic voice communication patent. I worked on the case throughout litigation including formulating legal opinions, researching law, and drafting significant pleadings until the case was stayed in 2011 pending reexamination of the patent-in-suit. After the stay was lifted in 2013, the case proceeded to a Markman hearing and was eventually dismissed in 2014.

Lead Counsel

Sam Najim (formerly with Jones Day)
Kent & Risley (current)
5755 North Point Pkwy #57
Alpharetta, GA 30022
(404) 585-4214

Local Counsel

Mary Graham
Morris, Nichols, Arsht & Tunnell
1201 North Market Street, 16th Floor
Wilmington, DE 19899
(302) 658-9200

Opposing Counsel

Douglas Salyers
Troutman Sanders
600 Peachtree St NE
Atlanta, GA 30308
(404) 885-3208

(10) *Federal Trade Commission v. Premier Precious Metals et al.* (S.D. Fla) 12-cv-60504

Presiding Judge: Robert N. Scola

In 2012-2013, I served as second chair litigation counsel for the Federal Trade Commission, alleging that Premier Precious Metals and its owners took millions of dollars from senior citizens by conning them into buying precious metals on credit without clearly disclosing significant costs and risks, including the likelihood that consumers would subsequently have to pay more money or lose their investment. I began work at the Commission, and assisted with the case, after it was filed and after an *ex parte* TRO was issued, a receiver was appointed, and an asset freeze was granted. I assisted with the discovery phase of the case, gathering business materials for evidence in preparation for depositions and ultimately trial. I left the FTC to accept my academic position at this point in the case. However, after two years of discovery, the district court ultimately entered a permanent injunction order of more than \$3.6 million against the defendants, which was to be partially suspended after defendants relinquished assets estimated to be worth about \$3 million, including Florida real estate, personal property, and bank and investment accounts. Within a year of the permanent injunction being

entered, the Commission had sent more than \$2.4 million in refund checks to over a hundred consumers harmed by the Premier Precious Metals scheme.

Lead Counsel

Barbara E. Bolton
Federal Trade Commission
225 Peachtree Street NE
Atlanta, Georgia 30303
(404) 656-1362

Counsel for Other Parties

Myles H. Malman (counsel for defendants)
Johnathan H. Rosenthal
Malman, Malman & Rosenthal
3107 Stirling Road, Suite 101
Ft. Lauderdale, FL 33312
(954) 322-0065

Curtis B. Miner (receiver appointed by Court)
Colson, Hicks, Eidson
255 Alhambra Circle, Penthouse
Coral Gables, FL 33134
(305) 476-7400

18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

Since becoming a law professor, my primary legal activities have been teaching law students and researching and writing about the law. While not traditional legal practice, the focus of much of my recent academic scholarship includes empirically analyzing thousands of federal court decisions regarding intellectual property issues. Much of this work concentrates on analysis of Federal Circuit decisions, the court with jurisdiction to review Court of Federal Claims decisions. As part of this work, with co-authors, I have hired, trained, and managed teams of law students to code cases for dozens of variables and then reviewed each coder's work for accuracy. After data is gathered, various scholarship projects apply complex regression analysis on the variables to ascertain how recent Supreme Court decisions, and other legal concerns (legislation, intermediate court decisions, etc.), relate to issue and case outcomes. In addition to my recent empirical projects, as an academic, much of my work has focused generally on analysis and commentary on important legal issues in the areas of property law and intellectual property law. I further provide advice and consultation on various recent legal issues

including potential business impact of proposed legislation, or significant changes in law due to recent decisions in the Supreme Court or U.S. Courts of Appeal.

As the general counsel of Counter Echo Solutions, I have served the company's business interests since 2012 including: business organization filings; external transactional contract management; internal operating procedures and ownership management; and legal strategy. This work includes management of our partnership duties, searching and hiring of a chief executive officer, strategy and planning for intellectual property development and licensing, and raising business capital. Specific duties have included negotiations and contract work with a state university system, patent prosecution and negotiations regarding a U.S. Army secrecy order, and meetings and negotiations with various venture capital and angel investors.

The bulk of my work as a law firm associate involved drafting briefs, drafting motions, and providing research on a broad range of cases handled by the firm. In addition to litigation, my law firm practice experience included patent and trademark prosecution, and confidential client consultation regarding licensing issues or transactional due diligence work.

I have not served as a lobbyist.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

Southern Illinois University School of Law

Property Law I (Fall Semesters 2013 – 2016). Syllabi provided.

Property I focuses on: (1) implications of possession, including finding, bailment, and adverse possession of real property; (2) gifts of property; (3) the system of estates (including rules furthering marketability); and (4) landlord-tenant relationships.

Property Law II (Spring Semesters 2014 – 2017). Syllabi provided.

Property II continues the study of property law from the fall semester course, Property I. Property II focuses on: (1) land use controls, including easements and covenants; (2) government regulation of land, including discussion of zoning, eminent domain, and the extent to which other laws regulating the use of property may amount to inverse condemnations; (3) the transfer of interests in real property, including real estate contracts, deeds, recording procedures, and methods of title assurance; and (4) intellectual property.

Patent Law (Spring Semester 2014 – 2017). Syllabi provided.

Patent Law reviews the fundamental elements of patent law and the basic legal rules and policies governing patentable inventions.

Intellectual Property (Fall Semesters 2014 – 2016). Syllabi provided.

Intellectual Property surveys federal and state laws that protect intellectual property. The course reviews federal rights (including patents, copyrights, and trademarks), and state rights (including trade secrets and rights of publicity).

Patent Law Practicum (Spring Semesters 2016 & 2017). Syllabi provided.

Patent Law Practicum provides a supplement to the Intellectual Property and Patent Law classes by allowing students the opportunity to draft writing assignments focused on IP law practice situations. The course reviews unique IP practice procedures related to: inventor clients; opposing counsel; government administrative bodies; and internal IP law firm operations. The course is intended to provide preparation for future IP practice specialists with career plans focused in patent law.

University of Akron School of Law

Property Law (Fall Semester 2017). Syllabi provided.

Property Law reviews all topics regarding property including: (1) implications of possession, including finding, bailment, and adverse possession of real property; (2) gifts of property; (3) the system of estates (including rules furthering marketability); (4) landlord-tenant relationships; (5) land use controls, including easements and covenants; (6) government regulation of land, including discussion of zoning, eminent domain, and the extent to which other laws regulating the use of property may amount to inverse condemnations; (7) the transfer of interests in real property, including real estate contracts, deeds, recording procedures, and methods of title assurance; and (8) intellectual property.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

None.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

I have no plans, commitments, or agreements to pursue outside employment in the future.

If confirmed, I hope that I will be able to continue to teach a law school seminar on a limited basis but have no commitments or agreements to do so.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

Please see the attached Financial Disclosure Report.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

Please see the attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

I do not anticipate encountering any conflicts of interest based on family, personal, or business relationships. If any such conflict did arise, I would consult the Code of Conduct for United States Judges and any other laws, rules, and practices governing such circumstances generally and the United States Court of Federal Claims in particular, and would make an appropriate decision based on that consultation.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

If confirmed, I will carefully review and address any real or potential conflicts by adhering to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances generally and the United States Court of Federal Claims in particular. I also would engage in prompt and immediate review of the parties, their affiliates, and the issues presented by any matter assigned to me so that I could make a prompt informed decision regarding the need for recusal.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

During my time as an academic I have devoted a significant amount of time to assisting and advising local small business development centers and small businesses (through these centers) regarding intellectual property rights in their operations and contracts. I have presented a number of information sessions to non-attorney business owners and entrepreneurs in the local area as part of these activities. During my time in Southern Illinois, I have further participated in local Inn of Court activities and assisted with CLE presentations to the local bar. Finally, apart from legal work, I have volunteered with various ministry efforts associated with the churches I have been a part of including men's Bible studies, Habitat for Humanity construction projects, holiday meal service programs, and holiday gift drives.

My work at Southern Illinois University School of Law included various committee assignments, specifically: Admissions; Rules; Long Range Planning & Innovation; Distance Education; and Curriculum. Work for various committees included drafting and organization of reports to analyze law school financial/administrative issues for the American Bar Association, student body matters, and legal curriculum decisions. I was also regularly in contact with the Southern Illinois University Office of Technology Transfer assisting in the operations of the office and coordinating student internships for IP students to gain experience with university IP issues.

During my time practicing in Atlanta, I served in leadership roles with the State Bar Intellectual Property Section (as a member and section chair) and the Atlanta IP Inn of Court (as a member as well as serving on the Executive Committee). As part of this work, I organized the Inn of Court to donate clothing and funds to: (1) Ties That Matter (a 501c3 organization in Atlanta that takes donated neckties to Haiti and teaches women there how to make and sell products made from ties) and; (2) the Atlanta Center for Self Sufficiency (a center that offers homeless individuals access to free professional and casual clothing items). I further co-chaired the annual pro bono award process for the Inn to recognize a member who has donated significant practice time to public service activities.

While in private practice at Jones Day, I sustained a significant pro bono practice focused primarily on federal habeas petitions and non-profit entities and artists in the protection of intellectual property rights (approximately 25% of my time at the firm). As noted above, as part of this service, I represented an indigent defendant as lead counsel in post-trial proceedings challenging his criminal conviction.

While clerking at the Eleventh Circuit I served in a weekly elementary school reading program, as part of the Everybody Wins! Power Lunch volunteering group (serving at Mary Bethune Elementary in inner-city Atlanta).

26. Selection Process:

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and

the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

After the 2016 Presidential Election I submitted my resume and summary of interest regarding the Court of Federal Claims to the online public Presidential Transition website. In February 2017, I interviewed with the White House Counsel's Office. In late April 2017, I spoke with both Congressman John Shimkus and Congressman Mike Bost, seeking their support for my potential nomination, which they provided in a letter to the White House on May 4. Approximately two weeks later, I received a call from the White House Counsel's Office notifying me that I had been selected as a preliminary candidate for nomination to the Court of Federal Claims. Since that time, I have been in contact with officials from the White House Counsel's Office and the Office of Legal Policy at the Department of Justice. On September 29, 2017, the President submitted my nomination to the Senate.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.